

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

RODNEY CARTER,

Plaintiff,

v.

CIVIL ACTION NO. 3:19-0077

UNITED STATES,

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant Defendant's Motion to Dismiss Complaint (ECF No. 15) and Renewed Motion to Dismiss Complaint (ECF No. 21); dismiss the complaint, without prejudice (ECF No. 2); and remove this matter from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **GRANTS** Defendant's Motion to Dismiss Complaint (ECF No. 15) and Renewed Motion to Dismiss Complaint (ECF No. 21); **DISMISSES** the complaint, **without prejudice** (ECF No. 2); and **REMOVES** this matter from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: January 8, 2020

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE